

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SEAN A. CLARK,

Plaintiff,

-against-

NYCHA, U.S. DEPARTMENT OF EDUCATION,
COMMISSIONER OF SSA, COMMISSIONER
OF OTDA/NYCDSS, DMV,

Defendants.

ANALISA TORRES, District Judge:

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23 Civ. 9798 (AT)

ORDER

Plaintiff, Sean Clark, brings this action against Defendants New York City Housing Authority (“NYCHA”), U.S. Department of Education, Commissioner of Social Security Administration (“SSA”), Commissioner of Office of Temporary Disability Assistance (“OTDA”)/Human Resource Administration/Department of Social Services (“DSS”), and the Department of Motor Vehicles (“DMV”). ECF No. 1. Plaintiff previously asserted materially similar claims against the DMV, the Commissioner of OTDA, the Commissioner of DSS, the Commissioner of SSA, and the Department of Education. *See Clark v. DMV*, No. 22 Civ. 3086 (filed April 14, 2022) (“*Clark I*”). The Honorable John G. Koeltl dismissed Plaintiff’s claims against these defendants, holding that “claim preclusion or issue preclusion prevents the plaintiff from relitigating these claims anew.” ECF No. 15 at 3, *Clark I*; *see id.* at 3–17 (recounting Plaintiff’s “extensive litigation history”).

Judge Koeltl, however, granted Plaintiff 30 days’ leave to file an amended complaint against NYCHA. *Id.* at 32. Because Plaintiff failed to file an amended complaint, on June 17, 2022, Judge Koeltl dismissed the action. ECF No. 17, *Clark I*. Plaintiff appealed the order of dismissal on July 13, 2022. ECF No. 18, *Clark I*. The Court of Appeals dismissed the appeal as frivolous on March 9, 2023, ECF No. 19, *Clark I*, and imposed a leave-to-file sanction on September 19, 2023, *id.*; *see Clark v. DMV*, No. 22-1509 (Doc. No. 148) (2d Cir. Sept. 19, 2023).

For the reasons stated in Judge Koeltl’s order, Plaintiff’s claims are DISMISSED. The Court grants Plaintiff 30 days’ leave to replead his claims against NYCHA in an amended complaint. If Plaintiff does not file an amended complaint within the time allowed, the Court shall dismiss this action.

SO ORDERED.

Dated: November 29, 2023
New York, New York



ANALISA TORRES
United States District Judge